

### **REMARKS**

Claims 1-48 are pending in the subject application. Claims 1-17 are currently pending in the application. Claims 18-40 stand withdrawn as directed to non elected subject matter.

Claims 1, 3, 7 and 10-13 have been amended to remove any non elected subject matter from the claims. Specifically, claims 1, 3, 7 and 10-13 have been amended to recite only elected subject matter as described by the Examiner on Page 3 of the office action (See, amendments to X, R<sup>1</sup> and R<sup>2</sup>, R<sup>4</sup>, and R<sup>5</sup> and R<sup>6</sup>). These amendments further include the removal of heterocyclic rings from R<sup>2</sup> as was further clarified in a teleconference between the Examiner and Nicholas J. DiCeglie, Jr., Agent for Applicant, on January 16, 2007. No new matter has been introduced by the instant amendments. Claims 41-48 have been canceled without prejudice.

Applicants respectfully reserve the right to pursue any non-elected, canceled or otherwise unclaimed subject matter in one or more continuation, continuation-in-part, or divisional applications.

### **Objections to the Claims**

Claims 1-17, 41, 42 and 44 stand objected to as containing non-elected subject matter. By this amendment, Claim 1 has been amended to recite only elected subject matter. Each of claims 2-17 depend from claim 1. No additional amendment to claims 2-17 is necessary. Claims 41, 42 and 44 have been cancelled without prejudice. Thus, Applicants respectfully request withdrawal of the objections to claims 1-17.

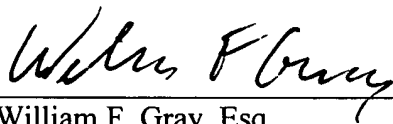
**Rejoinder of Method claims**

Claims 18-40 relate to methods of treating various diseases or methods of stimulating insulin secretion in a subject comprising administering a compound of claim 1. As such, method of use claims 18-40 are commensurate in scope with the present product claims. Since claim 1 is presently in a condition for allowance, Applicants respectfully request rejoinder of method of use claims 18-40 in accordance with M.P.E.P. 821.04 and *In re Ochiai*, 71, F.3d 1565 (Fed. Cir. 1995).

**CONCLUSION**

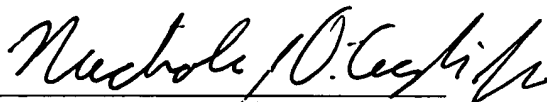
In view of the amendments and remarks made herein, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are respectfully requested. Please charge any required fee or credit any overpayment to Deposit Account No. 04-1105.

Respectfully submitted,



Date: January 16, 2007

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